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League of Fans' letter to the NCAA and NFHS asking them to require that the performance of non-wood baseball bats be aligned with the "wood standard" for the safety of student-athletes

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Myles Brand
President
National Collegiate Athletic Association
P.O. Box 6222
Indianapolis, IN 46206

Scott Blanchard
President
National Federation of State High School Associations
P.O. Box 690
Indianapolis, IN 46206

Dear Gentlemen,

As leaders of your respective governing organizations, I hope that you are not reluctant to take stands on issues of great importance to the well-being of student-athletes and to the relationship of college and high school athletics to society as a whole.

I work in Ralph Nader's office on a sports industry watchdog project called League of Fans. Among the broad range of concerns that we hope to influence for the better are issues of health and safety in sports.

Along those lines, I am writing to express the concerns of many people across the country who feel that the National Collegiate Athletic Association (NCAA) and the National Federation of State High School Associations (NFHS), as organizations that hold the responsibility of protecting student-athletes from unreasonable harm within their sports, are not committed to that function regarding the risks associated with the high-performance aluminum baseball bats used in college and high school competition.

To be sure, the bat performance rules and testing standards that are now in use represent a positive step forward from the scarcely regulated bat industry of the mid-to-late 1990's. But these regulations still fall dangerously short of where they should be. Representatives of the NCAA and NFHS have each stated in the past that they want the performance of bats to be wood-like, yet neither governing body is willing to either: 1) require bats to be made out of wood; or 2) require bats that are not made out of wood to not exceed the performance of wood in any way.

Instead of bringing bat performance in line with the "wood standard", a level of risk associated with wood bats that has been generally accepted by all associated with the game of baseball as a "reasonable" level of risk for over a century, the NCAA and NFHS failed to take the necessary steps to lessen the likelihood for tragedy.

Though the safety hazard of high-performance aluminum bats is difficult to quantify, it is universally agreed upon that today's aluminum bats hit the ball harder (traveling faster and farther) and more often than wood bats. Common sense would declare that, with everything but the bat being equal, if a ball is hit harder and more often, there is obviously a greater risk of injury. These high-tech bats are not tools, they are weapons.

Consider for a moment that today's aluminum bats would never be allowed in professional

baseball. Extraordinary measures would have to be taken to protect players and fans from being killed or mutilated in such a situation. For example, a batting practice screen would have to be placed in front of pitchers during games. Infielders would have to move into the outfield and fans would either have to be moved well away from the field, or be protected by a screen surrounding the field.

At the collegiate and high school levels, some experts contend that it is not your respective governing bodies who are calling the shots on the bat safety issue at all. They argue that, in effect, it is the major bat manufacturers who are in charge, along with the college baseball coaches under contract with those companies for free bats or tens of thousands of dollars a year for using a certain bat. Representatives of these bat companies, in displays of denial that would make tobacco executives proud, repeatedly defend the aluminum bats by saying that they don't believe those bats are any less safe than wood.

Concerned people throughout the country are beginning to view this operation as a "fox guarding the henhouse" model where major bat companies, in knowing production of unsafe products, are left in charge of student-athlete safety in baseball. When the NCAA approved the more wood-like 93 mph exit speed regulation (which still ignored the much larger "sweet spot" of aluminum bats that create a higher percentage of hard hit balls and dangerous line drives) for bats in 1998, it looked as though the NCAA was finally making an effort to prevent a health and safety disaster. But when they caved in to the bat manufacturers' protests and lawsuits, and undercut the exit speed regulation, it became clear as to who was actually running the show.

Instead of waiting for the seemingly toothless watchdogs of the NCAA and NFHS to take appropriate precautions for the safety of their student-athletes, the Massachusetts Interscholastic Athletic Association took it upon themselves to prohibit the use of non-wood bats in the state high school baseball tournament this spring to be followed by an entire season of wood-only use in 2004. The country is watching the situation in Massachusetts with great interest as other states consider a switch for high school baseball even if the NFHS does nothing.

As the major high-performance bat manufacturers (who also make wood bats) fight to maintain their profit margins, they argue that aluminum bats are as safe as wood and that there is no way to prove that the players who have been injured from balls launched off aluminum bats would not have been hit if the balls came off wood bats. But as Bill Thurston, baseball coach at Amherst College and former rules editor of the NCAA baseball rules committee, told the *New York Times*, "That's true. If I have a car accident going 70 mph, I can't prove it wouldn't have happened if I were going 55 mph. But I would like those chances."

Jack MacKay, a designer of high-performance bats for Hillerich & Bradsby from 1986 to 1997 resigned out of concern that the bats being designed and produced were much too dangerous to players. Now a whistleblower, MacKay works to undo his past work through lobbying for tougher regulations, providing expert testimony and releasing internal memos from the bat companies showing their disregard for safety. "Little did I know when I designed those bats, we would end up with something that was just lethal," MacKay told the *Associated Press*. "Bats now act like tennis rackets."

In MacKay's petition to the U.S. Consumer Product Safety Commission (CPSC) requesting a rule requiring all non-wood baseball bats to perform like wood bats, he asserted that bat manufacturers violated federal law by failing to report information to the CPSC about serious injuries sustained by people injured by their products. The CPSC ultimately denied the petition claiming a lack of information. But as MacKay told the *News and Observer*, "Every time someone gets hit by an impact from an aluminum bat, they get a fractured skull, it seems like. It doesn't take a rocket scientist to see what we did was wrong."

The NCAA and NFHS need to show leadership on this critical issue. Your organizations should not have to wait for a mandate from the U.S. Consumer Product Safety Commission, or wait for potential tragedies to become real. Surrendering to the demands of bat manufacturers is placing student-athletes of high school and college baseball in harms way.

If the bat companies wish to continue producing non-wood baseball bats for competition, their efforts and technology must be used to design those bats so they do not exceed the performance attributes of wood, without exception. Even though it is the responsibility of those companies to use their technology to ensure the manufacture of safe products, in the absence of that responsibility it is the obligation of your respective governing bodies to take action for the safety of student-athletes.

I look forward to your considered responses on this matter.

Sincerely,

Shawn McCarthy
Director, League of Fans
P.O. Box 19367
Washington, DC 20036

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